

# Exhibit 1

## Mirsky, Sara J. (CIV)

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**From:** Bu, Nathan J. (CIV)  
**Sent:** Tuesday, August 8, 2023 5:02 PM  
**To:** Zina Bash; J Edward Bell  
**Cc:** Bain, Adam (CIV); Lipscomb, Bridget (CIV)  
**Subject:** CLJA | Census and Records Request Form Status  
**Attachments:** 2023.08.08 Military Record Requests Spreadsheet v9 - Attachment A.xlsx; 2023.08.08 Short Form Complaint Spreadsheet.xlsx; 2023.08.08 CLJA Census Overview.docx

Tracking:	Recipient	Delivery	Read
	Zina Bash		
	J Edward Bell		
	Bain, Adam (CIV)	Delivered: 8/8/2023 5:02 PM	Read: 8/8/2023 5:03 PM
	Lipscomb, Bridget (CIV)	Delivered: 8/8/2023 5:02 PM	Read: 8/8/2023 5:39 PM

Hi Ed and Zina,

As discussed at the parties' July 25 meeting, DOJ is considering consolidating prior Census questions geared towards case management (Phase One) with its records collection process and any short-form complaint. Phase One is intended to be implemented through spreadsheet (attached) and information supplied in short-form complaints; DOJ has also created a word version for drafting and review purposes.

The spreadsheet is separated into 3 tabs. The first tab, "Plaintiff Information," collects basic information about the plaintiff and any related servicemember that might be relevant for **both** records collection and case management.

The second and third tabs, "OMPF & STR" and "Veteran & Dependent Medical," collect information that will aid in the retrieval of relevant government records, such as health or service records. These tabs may also be used in the administrative claim process. These two tabs are near-final and their substance is non-negotiable, although you should feel free to ask clarifying questions or make stylistic suggestions.

Separately, DOJ has listed information it believes will be important for case management and bellwether selection. DOJ has included this information in a separate spreadsheet, "Additional SF Compl," which collects basic pleading information—such as injuries and dates of exposure.

DOJ has also provided specific responses to some of the comments you provided on a prior draft of the Census. We will provide a revised draft by August 25.

Sincerely,

Nathan



Nathan Bu  
*Environmental Torts Litigation*  
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[nathan.j.bu@usdoj.gov](mailto:nathan.j.bu@usdoj.gov)

CLJA Claim No.	VA Claim No.	Claimant Last Name	Claimant First Name	Claimant Middle Name	Claimant Social Security Number	Claimant Date of Birth

# **Exhibit 2**

## Mirsky, Sara J. (CIV)

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**From:** Bain, Adam (CIV)  
**Sent:** Friday, September 22, 2023 2:14 PM  
**To:** Zina Bash; Lipscomb, Bridget (CIV); Bu, Nathan J. (CIV); Platt, Elizabeth K. (CIV); Anwar, Haroon (CIV)  
**Cc:** Warren Postman; Fred Messner  
**Subject:** RE: [CL] Follow up from DOJ-Plaintiffs meeting 09.20.23

Zina,

Thanks for the response and the information.

2:00 pm next Friday works for us. Thanks for sending an invite.

Have a nice weekend.

Adam



Adam Bain  
Environmental Torts Litigation  
U.S. Department of Justice  
Washington, DC  
202-616-4209 (Voice)  
202-598-0930 (Mobile)  
[adam.bain@usdoj.gov](mailto:adam.bain@usdoj.gov)

---

**From:** Zina Bash <zina.bash@kellerpostman.com>  
**Sent:** Friday, September 22, 2023 2:08 PM  
**To:** Bain, Adam (CIV) <Adam.Bain@usdoj.gov>; Lipscomb, Bridget (CIV) <Bridget.Lipscomb@usdoj.gov>; Bu, Nathan J. (CIV) <Nathan.J.Bu@usdoj.gov>; Platt, Elizabeth K. (CIV) <Elizabeth.K.Platt@usdoj.gov>; Anwar, Haroon (CIV) <Haroon.Anwar@usdoj.gov>  
**Cc:** Warren Postman <wdp@kellerpostman.com>; Fred Messner <fred.messner@kellerpostman.com>  
**Subject:** [EXTERNAL] RE: [CL] Follow up from DOJ-Plaintiffs meeting 09.20.23

Adam, thank you for this. Starting with your last question first, yes next Friday would work for us. How about 2:00et? I can send a calendar invite with a zoom link if that is a good time for you.

Re your email:

1. With respect to the ATSDR databases, thank you for exploring the request with the ATSDR. The request stems from collaboration among various leadership subcommittees, but my understanding is that being able to query those databases will allow us to most readily confirm each claimant's base-related information. Will see if the subcommittees have more detail. Re measures to protect PII, we'd absolutely want to develop a protocol to ensure maximum protection. Would it make sense to start with the protective order you proposed for the preservation depositions?

2. Thanks for the consideration and clarification on items 2 and 3. We'll look out for further guidance and in the meantime convey to folks that you will be requiring certification for non-government medical records.
3. We'd very much appreciate any information to alleviate concerns re TRICARE liens. We've increasingly heard from folks who think that the uncertainty surrounding liens will lead to lower participation in the EO process than we'd otherwise expect.
4. Thanks for checking with the Navy on the dual-rep issue.
5. We'll look out for an email from you to schedule a meeting re IT.

Re the items we owe you:

1. KP's proposed revisions to the settlement questionnaire are now with the resolution subcommittee, so I'm hopeful I can have a draft back to you next week.
2. As you saw, Fred reached out to get some feedback before we propose a self-substantiation process, but we expect to have a proposal soon after Fred meets with your team.
3. Yes, we can provide DOJ the DOBs and SSNs for clients in court, but we believe we might have the necessary substantiation for the EO process, which would save the step of your having to pull the records. So once we come up with a process, we may be able to send over the self-substantiating documentation itself.
4. We'll have vendor recommendations soon after we confirm with your IT team vendor requirements.

Thanks again.

**Zina Bash**  
Partner

**Keller | Postman**

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**From:** Bain, Adam (CIV) <[Adam.Bain@usdoj.gov](mailto:Adam.Bain@usdoj.gov)>

**Sent:** Friday, September 22, 2023 10:48 AM

**To:** Zina Bash <[zina.bash@kellerpostman.com](mailto:zina.bash@kellerpostman.com)>; Lipscomb, Bridget (CIV) <[Bridget.Lipscomb@usdoj.gov](mailto:Bridget.Lipscomb@usdoj.gov)>; Bu, Nathan J. (CIV) <[Nathan.J.Bu@usdoj.gov](mailto:Nathan.J.Bu@usdoj.gov)>; Platt, Elizabeth K. (CIV) <[Elizabeth.K.Platt@usdoj.gov](mailto:Elizabeth.K.Platt@usdoj.gov)>; Anwar, Haroon (CIV) <[Haroon.Anwar@usdoj.gov](mailto:Haroon.Anwar@usdoj.gov)>

**Cc:** Warren Postman <[wdp@kellerpostman.com](mailto:wdp@kellerpostman.com)>; Fred Messner <[fred.messner@kellerpostman.com](mailto:fred.messner@kellerpostman.com)>

**Subject:** RE: [CL] Follow up from DOJ-Plaintiffs meeting 09.20.23

Zina,

Thank you for following up on Wednesday's meeting. We have added an additional item to the KP list below.

With respect to the first item on your list for DOJ, we are setting up a call with ATSDR to discuss the requests. We note that the requests seek Personally Identifiable Information. Could you explain the relevancy of the requests and the measures you would be willing to take to protect PII?

With respect to the second and third items on your list for DOJ, we are discussing whether we can provide additional information through an amendment to the public guidance or otherwise. Regarding records, the “certification” language is from the RECA program (see 28 C.F.R. § 79.5) , and we have consulted with the program on this requirement. We can say now that no additional certification will be necessary for government records, but claimants should obtain a letter of authentication for private medical records, as typically provided by medical records providers, and death certificates should have similar indicia of authenticity. Regarding reconsideration, we will likely allow reconsideration requests provided the requests are accompanied with supplemental information to support the request.

With respect to the fourth item on your list, DOJ has no plans to extend the 60-day deadline, but we will likely have some information soon on TRICARE liens which could alleviate any concerns in that regard.

With respect to the fifth item on the list, we will consult with the Navy and get back to you.

Finally, we are reaching out to our IT team to get some times available for a meeting to discuss vendor requirements with you.

Can we schedule a follow up call to discuss these matters with you, including our preliminary thoughts on the resolution roadmap. Would the afternoon of September 29, 2023 work?

KP owes you:

1. Proposed revisions to the settlement questionnaire.
2. A proposal for a “self-substantiation” process by which claimants before the Navy and plaintiffs before the Court can affirmatively request an EO offer. Once we have settled on a process, we will broadcast it to others.
3. Whether KP can provide DOJ information from plaintiffs (in particular DOB and SSN) needed to pull VA records.
4. A recommendation for a vendor for a litigation-management database and one to serve as a settlement administrator (this vendor will build the resolution database).

DOJ owes plaintiffs:

1. An answer on when/whether the government will be able to provide access to the six ATSDR data sources listed in the document we provided yesterday.
2. A clarification on what is meant by “certified” medical records and/or whether we can eliminate the need for certification given that we expect any certification process to be extraordinarily cumbersome.
3. An answer on whether the government’s calculation for dates on base for EO purposes could be contested by claimants who receive offers based on those dates.
4. An answer on whether claimants can have longer than 60 days to accept or decline an EO offer given that it will take some time to verify liens that would affect the final amount a claimant would take home from an early settlement offer.
5. A clarification on how the government is identifying and treating “dual reps” (i.e., claimants for whom two (or more) separate firms have submitted separate claims).
6. Feedback on the resolution roadmap (attached).

Best,

Adam



Adam Bain  
Environmental Torts Litigation  
U.S. Department of Justice  
Washington, DC  
202-616-4209 (Voice)  
202-598-0930 (Mobile)  
[adam.bain@usdoj.gov](mailto:adam.bain@usdoj.gov)

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**From:** Zina Bash <[zina.bash@kellerpostman.com](mailto:zina.bash@kellerpostman.com)>  
**Sent:** Thursday, September 21, 2023 11:48 PM  
**To:** Lipscomb, Bridget (CIV) <[Bridget.Lipscomb@usdoj.gov](mailto:Bridget.Lipscomb@usdoj.gov)>; Bain, Adam (CIV) <[Adam.Bain@usdoj.gov](mailto:Adam.Bain@usdoj.gov)>; Bu, Nathan J. (CIV) <[Nathan.J.Bu@usdoj.gov](mailto:Nathan.J.Bu@usdoj.gov)>; Platt, Elizabeth K. (CIV) <[Elizabeth.K.Platt@usdoj.gov](mailto:Elizabeth.K.Platt@usdoj.gov)>  
**Cc:** Warren Postman <[wdp@kellerpostman.com](mailto:wdp@kellerpostman.com)>; Fred Messner <[fred.messner@kellerpostman.com](mailto:fred.messner@kellerpostman.com)>  
**Subject:** [EXTERNAL] RE: [CL] Follow up from DOJ-Plaintiffs meeting 09.20.23

All, in going through my notes, I remembered two additional items we discussed: First is our request for clarification regarding how the government is identifying and treating “dual reps”—ie claimants for whom claims have been filed by two (or more) law firms. Second is our request for feedback on (or agreement to) the “resolution roadmap” we proposed (attached). I added both items to the list below. Thanks very much.

**Zina Bash**  
Partner

**Keller | Postman**

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**From:** Zina Bash  
**Sent:** Thursday, September 21, 2023 1:39 PM  
**To:** Lipscomb, Bridget (CIV) <[Bridget.Lipscomb@usdoj.gov](mailto:Bridget.Lipscomb@usdoj.gov)>; Bain, Adam (CIV) <[Adam.Bain@usdoj.gov](mailto:Adam.Bain@usdoj.gov)>; Bu, Nathan J. (CIV) <[Nathan.J.Bu@usdoj.gov](mailto:Nathan.J.Bu@usdoj.gov)>; Platt, Elizabeth K. (CIV) <[Elizabeth.K.Platt@usdoj.gov](mailto:Elizabeth.K.Platt@usdoj.gov)>  
**Cc:** Warren Postman <[wdp@kellerpostman.com](mailto:wdp@kellerpostman.com)>; Fred Messner <[fred.messner@kellerpostman.com](mailto:fred.messner@kellerpostman.com)>  
**Subject:** [CL] Follow up from DOJ-Plaintiffs meeting 09.20.23

Thank you all for a productive meeting yesterday. I’m writing to follow up with tasks stemming from our meeting—I thought it would be useful to make sure we are on the same page, so please let me know if I’m missing anything or if you disagree with my recollection re the below. To flag one item in particular up front: It would be useful to be connected with your IT team at your/their earliest convenience so that we can move forward with the vendor process.

KP owes you:

1. Proposed revisions to the settlement questionnaire.
2. A proposal for a “self-substantiation” process by which claimants before the Navy and plaintiffs before the Court can affirmatively request an EO offer. Once we have settled on a process, we will broadcast it to others.
3. A recommendation for a vendor for a litigation-management database and one to serve as a settlement administrator (this vendor will build the resolution database).



DOJ owes plaintiffs:

1. An answer on when/whether the government will be able to provide access to the six ATSDR data sources listed in the document we provided yesterday.
2. A clarification on what is meant by “certified” medical records and/or whether we can eliminate the need for certification given that we expect any certification process to be extraordinarily cumbersome.
3. An answer on whether the government’s calculation for dates on base for EO purposes could be contested by claimants who receive offers based on those dates.
4. An answer on whether claimants can have longer than 60 days to accept or decline an EO offer given that it will take some time to verify liens that would affect the final amount a claimant would take home from an early settlement offer.
5. A clarification on how the government is identifying and treating “dual reps” (ie claimants for whom two (or more) separate firms have submitted separate claims).
6. Feedback on the resolution roadmap (attached).

**Zina Bash**

Partner

**Keller | Postman**

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# Exhibit 3

## Mirsky, Sara J. (CIV)

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**From:** Zina Bash <zina.bash@kellerpostman.com>  
**Sent:** Friday, December 8, 2023 5:58 PM  
**To:** Lipscomb, Bridget (CIV); Bain, Adam (CIV)  
**Cc:** Ryan, Patrick J. (CIV); Warren Postman; Fred Messner  
**Subject:** [EXTERNAL] FW: CLJA - Deposition Coordination Call  
**Attachments:** Depo Requests\_Ed Bell.docx

Bridget and Adam – are you amenable to switching the order of Plaintiffs whose depositions you are asking to take? Seven of the ten you have requested are KP clients, and that puts us in a bind timing-wise as we seek to prepare for and defend the depositions. We have only eleven cases in the entire discovery pool, so we have an outsized representation in this deposition group. Please let me know if you would be willing to switch some of our KP clients out to spread cases among other firms.

Thanks,  
Zina

Shelly	Larkins	7:23-cv-00782	Estate of Alfred Benson	Boyle	Bladder Cancer
Francis	Carter	7:23-cv-01565-M-KS	Estate of Ronald Carter	Myers	Non-Hodgkins Lymphoma
Cory	Buckley	7:23-cv-00885		Boyle	Bladder Cancer
William	Hamilton	7:23-cv-00742		Boyle	Bladder Cancer
Ronald	Berube	7:23-cv-00782		Myers	Parkinson's Disease
Tom	Ciotti	5:23-cv-00554-FL		Flanagan	Bladder Cancer
Aubie	Cooper	7:23-cv-00800-FL		Flanagan	Bladder Cancer
Frank	Mousser	7:23-cv-00667-D-RN		Dever	Kidney Cancer
		7:23-cv-00957-BO-			
Sharon	Baker	BM		Boyle	Non-Hodgkins Lymphoma
Cherie	Bond	7:23-cv-01361-D	Estate of Giles Bond	Boyle	Bladder Cancer

**Zina Bash**  
Partner

**Keller | Postman**

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**From:** Ryan, Patrick J. (CIV) <Patrick.J.Ryan@usdoj.gov>  
**Sent:** Friday, December 8, 2023 10:50 AM  
**To:** J Edward Bell <jeb@belllegalgroup.com>; Zina Bash <zina.bash@kellerpostman.com>  
**Cc:** Abdulle, Iman (CIV) <Iman.Abdulle@usdoj.gov>; Bain, Adam (CIV) <Adam.Bain@usdoj.gov>; Lipscomb, Bridget (CIV) <Bridget.Lipscomb@usdoj.gov>  
**Subject:** RE: CLJA - Deposition Coordination Call

Hi Ed and Zina,

It was a pleasure speaking to you this morning. As discussed, the United States has requested dates for the depositions of the following Plaintiffs:

1. Sharon Baker; 7:23-cv-00957
2. Ronald Lee Carter (representative Francis Carter); 7:23-cv-01565.
3. Frank Mousser; 7:23-cv-00667-D
4. Tom Ciotti; 5:23-cv-00554-FL
5. Aubie Cooper; 7:23-cv-00800-FL
6. Cherie Bond; 7:23-cv-01373-FL
7. Cory Buckley; 7:23-cv-00885-BO
8. Shelly Larkins; 7:23-cv-00096-BO (Alfred Benson)
9. William Hamilton; 7:23-cv-00742-BO
10. Ronald Berube; 7:23-cv-00782-M

We have provided specific dates of our availability in the attached document. As discussed, we recognize the Rule 30 deposition protocol provides "Unless otherwise agreed, the noticing Party must serve a deposition notice at least 14 days in advance of the deposition." That said, we informed in our meeting that if Plaintiffs are amenable, the United States is willing to proceed on the dates provided in the attached within the 14-day period. We will wait to here back on availability. Please let us know if you have any questions regarding the above.

Additionally, Mr. Bell provided three names which Plaintiffs were requesting depositions, and stated he would be sending an email with these names, the agency, a brief explanation of why, and the available dates.

Please let me know if you have any questions or have a different understanding of our call.

Best,



Patrick J. Ryan  
*Environmental Torts Litigation*  
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**From:** Ryan, Patrick J. (CIV)

**Sent:** Friday, December 8, 2023 11:08 AM

**To:** J Edward Bell <[jeb@belllegalgroup.com](mailto:jeb@belllegalgroup.com)>; Zina Bash <[zina.bash@kellerpostman.com](mailto:zina.bash@kellerpostman.com)>

**Cc:** Abdulle, Iman (CIV) <[Iman.Abdulle@usdoj.gov](mailto:Iman.Abdulle@usdoj.gov)>

**Subject:** RE: Depos

See attached for the list of depositions requested by the United States.



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